

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:13CR220
)	
vs.)	ORDER
)	
ELIODORO CABRERA, JR.,)	
DONALD F. NORDEN,)	
SHAWN A. MALESKER, and)	
LANCE M. WOLFE,)	
)	
Defendants.)	

This matter is before the court on defendant Lance M. Wolfe's (Wolfe) and Shawn A. Malesker's (Malesker) motions for an extension of time to file pretrial motions (Filing Nos. 46 and 47). The motions will be granted upon the condition the defendants file the affidavit required by NECrimR 12.1(a) and paragraph 9 of the Progression Order.

IT IS ORDERED:

1. Wolfe's and Malesker's motions for an extension of time to file pretrial motions (Filing Nos. 46 and 47) are granted.
2. Wolfe and Malesker are given until **on or before August 12, 2013**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motions, i.e., the time between **July 26, 2013, and August 12, 2013**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendants' counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).
3. Wolfe and Malesker shall file the affidavit required by NECrimR 12.1(a) and paragraph 9 of the Progression Order on or before August 5, 2013.

DATED this 26th day of July, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge